IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 94 OF 2006
IN
NOTICE NO. N/64 OF 2006

Re: Smt. Hirakani Sanatkumar Dixit
& Others. ...Judgment Debtors.

Ex-parte :-
Shri Ramchandra Ganpat Nimbalkar ...Judgment Creditor.

Mr. Yogesh N. Adhia for the Judgment Debtor Nos.1,3 and 4.
Mr. Atul Damle for the Judgment Creditor.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

3RD OCTOBER, 2006.

P.C. :

1. The Insolvency Notice is based on a decree of this Court dated 20th December 1999 as modified on 8th September 2003. The Notice of Motion taken out for setting aside the decree was dismissed on 8th September 2003. The Appeal was admitted on 30th June 2004 and the Counsel inform the Court that a stay was granted conditional on a deposit of the decretal dues. A Special Leave Petition against the order of the Division Bench was dismissed on 20th January 2005.

2. In the Insolvency Notice it has been stated that the amount due under the decree was Rs.21.86 lacs. Apart from this the interest outstandings from 9th September 2003 till 19th March 2006 are Rs.05.70 lacs. The Insolvency Notice is, therefore, based on a decretal debt of Rs.27.56 lacs.

3. In the circumstances, no case has been made out for setting aside the Insolvency Notice.

4. The Notice of Motion is accordingly dismissed.